



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
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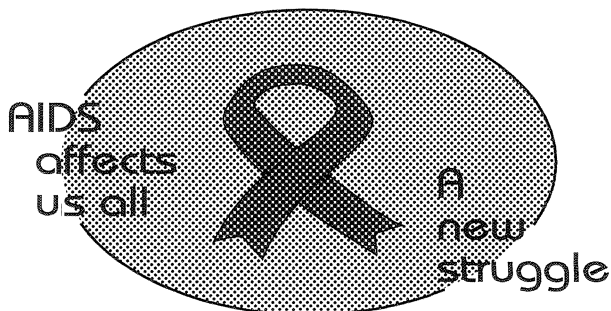
Vol. 6

PIETERMARITZBURG,

2 APRIL 2012
2 kuMBASA 2012

No. 727

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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PROVINCIAL NOTICE

No. 40**2 April 2012****DEPARTMENT OF THE PREMIER
REGULATION NOTICE****KWAZULU-NATAL HERITAGE REGULATIONS, 2012**

After consultation with –

- (a) the *Amafa aKwaZulu-Natali* Heritage Council, as required by section 52(1) of the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008); and
- (b) the Member of the Executive Council responsible for finance, as required by section 52(1)(d)(ii) of the KwaZulu-Natal Heritage Act, 2008,

I hereby make the Regulations contained in the Schedule hereto under section 52 of the KwaZulu-Natal Heritage Act, 2008, in order to regulate heritage matters in the Province.

Given under my Hand at Pietermaritzburg, this **15th** day of **March**, Two thousand and Twelve.



.....
Z L MKHIZE

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for heritage matters

SCHEDULE

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PART I INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, “the Act” means the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it, and, unless the context otherwise indicates –

“**alter**” means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means;

“**application**” means any application lodged with the Council;

“**applicant**” means –

- (a) the owner or any person authorised in writing to act on his or her behalf when applying for permission for interventions to a structure; or
- (b) a professional researcher or expert applying for permission for research or interventions on archaeological or palaeontological sites;

“**archaeological site**” means a site containing –

- (a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, ecofacts, human and hominid remains and artificial features and structures;
- (b) rock art, being any form of painting, engraving or other graphic representations on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 50 metres of such representation; or

(c) features, structures and artefacts associated with military history and the sites on which they are found, including sites connected with victims of conflict;

“Code of Conduct” means the Code of Conduct of members of Council referred to in Part III (sections 18 – 23) of this Act;

“cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic, or technological value or significance;

“guidelines” means official Council documents that contain any additional information or requirements that the Council deems necessary in assisting –

- (a) the Council to carry out its mandate and are in line with the provisions of the Act; or
- (b) an applicant to fill in the Forms as set out in the Annexures to these regulations.

“member” means a member of the Council appointed in terms of section 8(1)(a) of the Act;

“palaeontological site” means a site containing fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace;

“person” means a natural or juristic person;

“regulations” include the Annexures and the guidelines in the Annexures; and

“victims of conflict” means –

- (a) certain persons who died in any area now included in the Republic of South Africa as a direct result of any war or conflict covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

- (b) members of the forces of Great Britain and the former British Empire who died in active service in any area now included in the Republic of South Africa prior to August 1914;
- (c) persons who, during the Anglo-Boer War (1899 – 1902) were removed as prisoners of war from any place now included in the Republic of South Africa to any place outside South Africa and who died there; and
- (d) certain categories of persons who died in the liberation struggle in areas included in the Republic of South Africa as well as outside South Africa.

PART II APPLICATION PROCEDURE TO COUNCIL

Application to Council for the demolition, alteration or addition to a structure which is, or which may reasonably be expected to be older than 60 years (section 33(1)(a) of the Act)

2. (1) A person wishing to demolish, alter or make an addition to a structure which is, or which may reasonably be expected to be older than 60 years, as contemplated in section 33(1)(a) of the Act, must make an application to the obtain written approval of the Council.

(2) The application contemplated in sub-regulation (1) must be made in writing on Form A as set out in Annexure 1 and must include the following –

- (a) the full property description, including the title deed number, the farm, erf or lot number, the administrative district and the municipal area where the structure is situated, and the current zoning of the land where the structure is situated;
- (b) the details of and purpose for the demolition, alteration of or addition to, of such a structure;
- (c) the full names, address, contact numbers, and signature of the applicant;
- (d) the names, qualifications, contact details of the author of the plans;
- (e) the names, qualifications and standards of practice of persons employed to demolish, alter, or add to such a structure;
- (f) particulars of bodies or interest groups consulted by the applicant; and
- (g) the application form must be accompanied by the –

- (i) signed and numbered drawings or plans for the alterations and additions or the concept drawings or plans for the replacement building in the case of the building being proposed for demolition (as required in the guidelines);
- (ii) photographs of the structure to be demolished altered or added to, and the surrounding buildings or streetscape as may be required in the guidelines;
- (iii) any other supporting documentation that may be required to substantiate the need and desirability of the proposed action;
- (iv) the fee determined by the Council for the processing of any application or approval in terms of the Act; and
- (v) the fee contemplated in paragraph (iv) is in addition to the costs of advertising the proposed action as required in sub-regulations (5) and (7) below.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) If the Council decides to grant the approval for the demolition, alteration or addition to a structure in terms of section 33(1)(a) of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must –

- (a) identify the affected site and include the following information regarding the site

–

- (i) a full description of the site where the structure is situated,

- (ii) the name and address of the applicant; and
 - (iii) the actual or probable cultural significance of the structure; and
- (b) give interested parties an opportunity to make written representations or submissions regarding the approval for the demolition, alteration or addition to such a structure, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the structure;
- (b) the registered owner of the land and the occupier of the structure;
- (c) the municipal manager of the municipality for the area in which the structure is situated; and
- (d) all known stakeholders in the general area in which the affected property is situated,

advising those persons that they may make written representations or submissions regarding the possible approval for the demolition, alteration or addition to such a structure.

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

(11) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.

Application to Council for the damage, alteration, exhumation, or removal from its original position of a grave or cemetery or part thereof of a victim of conflict (section 34 of the Act)

3.(1) A person intending damage, alteration, exhumation, or removal from its original position of a grave or cemetery or part thereof of victims of conflict, must obtain prior written approval from the Council in terms of section 34 of the Act.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form B as set out in Annexure 2 and must include –

- (a) the names and qualifications of the applicant;
- (b) the identification of the grave or cemetery to be damaged, altered, exhumed, or removed from its original position;
- (c) the purpose of such damage, alteration, exhumation or removal from its original position;
- (d) the location of such grave or cemetery;
- (e) the municipal area within which the location of such grave or cemetery is situated; and
- (f) particulars of bodies or interest groups consulted by the applicant.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must acknowledge receipt of the application within 14 days and notify the applicant –

- (a) whether the application is complete or additional information is required;
- (b) of the approximate time it will take to process the application; and
- (c) about the relevant fees payable.

(5) Upon receipt of an application as contemplated in sub-regulation (1), the Council must ensure that the applicant has instituted a process of consultation with the relevant community or municipality.

(6) If the Council decides to grant the approval for the damage, alteration, exhumation or removal of a grave or cemetery from its original position, the Council must give notice in the *Gazette* of the intention to grant such approval.

- (7) The notice referred to in sub-regulation (6) must –
- (a) identify the grave or cemetery and include the following information –
 - (i) a full description of the grave or cemetery;
 - (ii) the name, address and qualifications of the applicant; and
 - (iii) the actual or probable cultural significance of the grave or cemetery; and
 - (b) give interested parties an opportunity to make written representations or submissions regarding the approval for the damage, alteration, exhumation, or removal from its original position of a grave or cemetery, within a period of not less than 30 days.
- (8) Any representations or submissions contemplated in sub-regulation (7) must be received by the Council within 30 days of the date of publication of the notice.
- (9) The Council must, in addition to the notice to be published in terms of sub-regulation (6), cause a copy of such notice to be sent by registered post or delivered to –
- (a) the person or body in current control of the grave or cemetery;
 - (b) the registered owner of the land and the occupier of the grave or cemetery;
 - (c) the municipal manager of the municipality for the area in which grave or cemetery is situated; and
 - (d) all known stakeholders in the general area in which the grave or cemetery is situated,
- advising those stakeholders to make written representations or submissions regarding the proposed damage, alteration, exhumation, or removal from its original position of the grave or cemetery.
- (10) Any representations or submissions contemplated in sub-regulation (9) must be received by the Council within 30 days of the date of posting or delivery of the notice.
- (11) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.
- (12) Any approval issued in terms of this regulation is not transferable.

(13) An approval in terms of this regulation may only be granted –

- (a) where the work to be carried out is to be done under the supervision of a qualified archaeologist or person approved by the Council;
- (b) with due respect for any human remains and the customs and beliefs of any person or community concerned with such grave or burial ground and, when requested, in the presence of such person or community representatives; and
- (c) after arrangements have been made for the reinterment, if necessary, of any human remains and the reinterment or curation of any other contents of such grave or burial ground, to the satisfaction of the Council and the community involved.

Application to Council for the damage, alteration, exhumation, or removal from its original position or any other disturbance of a grave in a traditional burial place or not located in a formal cemetery (section 35(1)(b) of the Act)

4.(1) A person intending to damage, alter, exhume, or remove from its original position or otherwise disturb a grave not located in a formal cemetery, must obtain prior written approval from the Council in terms of section 35(1)(b) of the Act.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form C as set out in Annexure 3 and must include –

- (a) the names and qualifications of the applicant;
- (b) the identification of the grave to be damaged, altered, exhumed, or removed from its original position;
- (c) the purpose of such damage, alteration, exhumation or removal from its original position;
- (d) the location of such grave;
- (e) the municipal area within which the location of such grave is situated; and
- (f) particulars of bodies or interest groups consulted by the applicant.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must acknowledge receipt of the application within 14 days and notify the applicant –

- (a) whether the application is complete or additional information is required;
- (b) of the approximate time it will take to process the application; and
- (c) about the relevant fees payable.

(5) Upon receipt of an application as contemplated in sub-regulation (1), the Council must ensure that the applicant has instituted a process of consultation with the relevant community or municipality.

(6) If the Council decides to grant the approval for the damage, alteration, exhumation or removal of a grave from its original position, the Council must give notice in the *Gazette* of the intention to grant such approval.

(7) The notice referred to in sub-regulation (6) must –

- (a) identify the grave or cemetery and include the following information –
 - (i) a full description of the grave;
 - (ii) the name, address and qualifications of the applicant; and
 - (iii) the actual or probable cultural significance of the grave; and
- (b) give interested parties an opportunity to make written representations or submissions regarding the approval for the damage, alteration, exhumation, or removal from its original position of a grave, within a period of not less than 30 days.

(8) Any representations or submissions contemplated in sub-regulation (7) must be received by the Council within 30 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (6), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the grave;
- (b) the registered owner of the land and the occupier of the grave;
- (c) the municipal manager of the municipality for the area in which grave is situated; and
- (d) all known stakeholders in the general area in which the grave is situated,

advising those stakeholders to make written representations or submissions regarding the proposed damage, alteration, exhumation, or removal from its original position of the grave.

(10) Any representations or submissions contemplated in sub-regulation (9) must be received by the Council within 30 days of the date of posting or delivery of the notice.

(11) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.

(12) Any approval issued in terms of this regulation is not transferable.

(13) An approval in terms of this regulation may only be granted –

- (a) where the work to be carried out is to be done under the supervision of a qualified archaeologist or person approved by the Council;
- (b) with due respect for any human remains and the customs and beliefs of any person or community concerned with such grave or burial ground and, when requested, in the presence of such person or community representatives; and
- (c) after arrangements have been made for the reinterment, if necessary, of any human remains and the reinterment or curation of any other contents of such grave or burial ground, to the satisfaction of the Council and the community involved.

Application to Council for the destruction, damage, excavation or alteration of battlefield sites, archaeological sites, rock art sites, palaeontological sites, meteorite or meteorite impact sites (section 36(1) of the Act)

5.(1) A person wishing to destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, or meteorite or meteorite impact site, as contemplated in section 36(1) of the Act, must obtain prior written approval of the Council.

(2) The application contemplated in sub-regulation (1) must be made in writing on Form D as set out in Annexure 4 and must include –

- (a) the names and qualifications of the applicant;
- (b) the purpose for the destruction, damage, excavation, alteration of battlefield sites, archaeological sites, rock art sites, palaeontological sites, meteorite or meteorite impact sites;
- (c) the property description, including the title deed number, the municipal district in which the land is situated;
- (d) the drawings, plans and photographs of the battlefield site, archaeological site, rock art site, palaeontological site, or meteorite or meteorite impact site to be destroyed, damaged, excavated, altered, re-written or drawn upon, or otherwise disturbed;
- (e) the names, qualifications and standards of practice of persons employed to destroy, damage, excavate, alter, write or draw upon, or otherwise disturb such battlefield site, archaeological site, rock art site, palaeontological site, or meteorite or meteorite impact site;
- (f) the current zoning of the land;
- (g) the municipal area where the battlefield site, archaeological site, rock art site, palaeontological site, or meteorite or meteorite impact site, is situated; and
- (h) particulars of bodies or interest groups consulted by the applicant; and
- (i) the fee determined by the Council for the processing of any application or approval in terms of the Act.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) If the Council decides to grant the approval for the destruction, damage, excavation or alteration of a battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site in terms of section 36(1) of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must –

(a) identify the affected site and include the following information regarding the site

–

(i) a full description of the site where the structure is situated,

(ii) the name, address and qualifications of the applicant; and

(iii) the actual or probable cultural significance of the site; and

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the destruction, damage, excavation or alteration of a battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

(a) the person or body in current control of the battlefield site, archaeological site, rock art site, palaeontological site, or meteorite or meteorite impact site;

(b) the municipal manager of the municipality for the area in which such site is situated; and

(d) all known stakeholders in the general area in which the affected site is situated, advising those persons that they may make written representations or submissions regarding the proposed destruction, damage, excavation or alteration of a battlefield site,

archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site.

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

(11) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.

Discovery of archaeological or palaeontological material or a meteorite (section 36(2) of the Act)

6.(1) A person who discovers –

- (a) archaeological or palaeontological material; or
- (b) a meteorite,

must, in terms of section 36(2) of the Act, cease all activity or operations in the general vicinity of such material or meteorite.

(2) The person who made the discovery referred to in sub-regulation (1), must submit a written report to the Council within a period of 30 days from the date of making such a discovery.

(3) The report referred to in sub-regulation (2) must include –

- (a) the names and qualifications of the person reporting;
- (b) the object discovered;
- (c) the time and date of such a discovery;
- (d) the location of such discovery; and
- (e) the municipal area within which the discovery was made.

Notice prohibiting any further activity upon discovery of archaeological or palaeontological material or a meteorite (section 36(3) of the Act)

7.(1) Upon deciding to prohibit any further activity within 50 metres of a rock art site where a discovery of archaeological or palaeontological material or a meteorite took place, the Council must, in terms of section 36(3) of the Act, after consultation with an owner or controlling authority, and by way of written notice served on the owner or controlling authority, prohibit any further activity within 50 metres of such rock art site where a discovery of archaeological or palaeontological material or a meteorite took place.

(2) The notice referred to in sub-regulation (1) must –

- (a) identify the affected site and include the following information regarding the site
 - (i) a full description of the site, including a drawing or photograph of the site where the object was discovered;
 - (ii) full details of the person or body in current occupation of the site; and
 - (iii) the municipal area within which the site is situated; and
- (b) give interested parties an opportunity to make written representations or submissions regarding the prohibition of any further activity within 50 metres of a rock art site where a discovery of archaeological or palaeontological material or a meteorite took place, within a period of not less than 30 days.

(3) The Council must, in addition to the notice to be served in terms of sub-regulation (1), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the site;
- (b) the registered owner of the land and the occupier of the site; and
- (c) the municipal manager of the municipality for the area in which the site is situated,

advising those persons that they may make written representations or submissions regarding the prohibition of any further activity within 50 metres of a rock art site.

Application to Council for the exhumation, destruction, ownership or collection of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site (section 36(4) of the Act)

8.(1) A person intending to exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site, must obtain prior written approval from the Council in terms of section 36(4) of the Act.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form E as set out in Annexure 5 and must include –

- (a) the names and qualifications of the person reporting;
- (b) the identification of the object to be exhumed, removed from its original position or otherwise disturbed, damaged, destroyed, owned or collected;
- (c) the purpose of such exhumation, removal from its original position or otherwise disturbance, damage, destruction, ownership or collection;
- (d) the location of such object or material;
- (e) the municipal area within which the location of such object or material is situated; and
- (f) particulars of bodies or interest groups consulted by the applicant.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) If the Council decides to grant the approval for the exhumation, destruction, ownership or collection any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site, the Council must give notice in the *Gazette* of the intention to grant such approval.

(5) The Council may dispense with the process referred to in sub-regulation (4) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(6) The notice referred to in sub-regulation (4) must –

- (a) identify the affected site and include the following information regarding the site

–

- (i) a full description of the site where the structure is situated,
 - (ii) the name, address and qualifications of the applicant; and
 - (iii) the actual or probable cultural significance of the site; and
- (b) give interested parties an opportunity to make written representations or submissions regarding the approval for the destruction, damage, excavation, alteration of a battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site, within a period of not less than 30 days.

(7) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(8) The Council must, in addition to the notice to be published in terms of sub-regulation (4), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the object or material to be exhumed, removed from its original position or otherwise disturbed, damaged, destroyed, owned or collected;
- (b) the registered owner of the land and the occupier of the land where such object or material is situated;
- (c) the municipal manager of the municipality for the area in which such object or material is situated; and
- (d) all known stakeholders in the general area in which the affected object or material is situated,

advising those persons that they may make written representations or submissions regarding the proposed exhumation, destruction, ownership or collection of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site.

(9) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(10) Council must consider the application and make a finding not more than 15 days after any representations or submissions contemplated in sub-regulations (6) and (8) are received.

Use of equipment which assists in the detection of metals and archaeological and palaeontological objects and material (section 36(5) of the Act)

9.(1) A person wishing to bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or excavation equipment onto any battlefield site, archaeological site, rock art site, palaeontological site or meteorite impact site, or use similar detection or excavation equipment for the recovery of meteorites, as contemplated in section 36(5) of the Act, must obtain prior written approval of the Council.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form F as set out in Annexure 6 and must include –

- (a) the names of the person applying;
- (b) the purpose of the use of such equipment;
- (c) the location where such equipment is going to be used;
- (d) the municipal area within which the location of such site is situated; and
- (e) an undertaking that the use of such equipment will not disturb, damage or destroy any object on any battlefield site, archaeological site, rock art site, palaeontological site, meteorite or meteorite impact site.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) If the Council decides to grant the approval for the use of equipment which assists in the detection of metals and archaeological and palaeontological objects and material, the Council must give notice in the *Gazette* of the intention to grant such approval.

(5) The Council may dispense with the process referred to in sub-regulation (4) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(6) The notice referred to in sub-regulation (4) must identify the affected site and include the following information regarding the site –

- (a) a full description of the site where the equipment would be used,
- (b) the name, address and qualifications of the applicant; and
- (c) the actual or probable cultural significance of the site.

(7) The Council must consider the application and make a finding.

Trading and exporting of any category of archaeological object, any palaeontological material, any ecofact, any object which may reasonably be regarded as having been recovered from a battlefield site, any material cultural artefact, or any meteorite (section 36(8) of the Act)

10.(1) A person wishing to trade in, export or attempt to export from the Province –

- (a) any category of archaeological object;
- (b) any palaeontological material;
- (c) any ecofact;
- (d) any object which may reasonably be regarded as having been recovered from battlefield site;
- (e) any material cultural artefact; or
- (f) any meteorite,

must, in terms of section 36(8) of the Act, obtain prior written approval of the Council.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form G as set out in Annexure 7 and must include –

- (a) the names of the person trading or exporting;
- (b) the identification of the object to be traded or exported;
- (c) the purpose of exporting such object;
- (d) the location of such object;
- (e) the municipal area within which the location of such object is situated; and
- (f) particulars of bodies or interest groups consulted by the applicant.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) When the Council decides to grant the approval for the trading and exporting of any category of archaeological object, any palaeontological material, any ecofact, any object which may reasonably be regarded as having been recovered from a battlefield site, any material cultural artefact, or any meteorite, as contemplated in section 36(8) of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(5) The Council may dispense with the process referred to in sub-regulation (4) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(6) The notice referred to in sub-regulation (4) must –

(a) identify the affected object, material or ecofact to be traded or exported and include the following information regarding such object, material or ecofact –

(i) a full description of the site where such object, material or ecofact is situated or stored,

(ii) the name, address and qualifications of the applicant; and

(iii) the actual or probable historical heritage value of such object, material or ecofact.

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the trading and exporting of the object, material or ecofact discovered, within a period of not less than 30 days.

(7) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(8) The Council must, in addition to the notice to be published in terms of sub-regulation (4), cause a copy of such notice to be sent by registered post or delivered to –

(a) the person or body in current control of the object, material or ecofact to be traded or exported;

(b) the registered owner of the land and the occupier of the land where such object, material or ecofact is situated;

(c) the municipal manager of the municipality for the area in which such object, material or ecofact is situated; and

(d) all known stakeholders in the general area in which the affected object, material or ecofact is situated,

advising those persons that they may make written representations or submissions regarding the proposed trading and exporting of the object, material or ecofact discovered.

(9) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(10) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.

(11) In the event that approval is granted in terms of this regulation all objects for export must be carefully packed in a manner approved by the Council to prevent damage, and all objects must be labelled with –

- (a) the institutional accession number;
- (b) the name of the site; and
- (c) the name and address of the person or institution to which the material belongs.

Application to Council for the alteration, exhumation or removal of a grave of a member of the Royal Family (section 40(2) of the Act)

11.(1) Where the Council contemplates granting approval to an applicant to alter, exhume or remove a grave of a member of the Royal Family, the Council must –

- (a) forward the application to the reigning Monarch for comment;
- (b) advise the Monarch that comments must be received within 30 days; and
- (c) consider any comments of the reigning Monarch before issuing such approval.

(2) If the Council does not receive any comments as contemplated in sub-regulation (1) within 30 days, it must consider the application and make a finding.

(3) Where comments are received as contemplated in sub-regulation (1)(c), the Council must consider the application and make a finding no more than 15 days after such comment is received.

Discovery of grave, the existence of which is unknown (section 52(1)(d) of the Act)

12.(1) A person who, in the course of development or any other activity, discovers a grave, the existence of which is unknown, must cease all activity or operations in the general vicinity of such a grave.

(2) A person who made the discovery referred to in sub-regulation (1) must forthwith submit a written report to the Council.

(3) The report referred to in sub-regulation (2) must include –

- (a) the names and qualifications of the person reporting;
- (b) the time and date of such a discovery;
- (c) the location of such grave; and
- (d) the municipal area within which the discovery was made.

(4) The grave contemplated in sub-regulation (1), may not be disturbed in any way after its discovery, except under authority of the Council.

(5) As soon as possible after notification of the discovery of the grave, the Council or its delegated representative must, in co-operation with the South African Police Service, inspect such grave and decide whether or not there is reason to believe –

- (a) that the grave is likely to be older than 60 years or otherwise protected in terms of the Act; and
- (b) that any further graves exist in the vicinity.

(6) If it is established that the grave discovered in sub-regulation (1) is likely to be so protected, no activity referred to in sub-regulation (1) may be resumed in the immediate vicinity of such grave or in the area in which additional graves are likely to be found, unless an investigation is undertaken by a person and in a manner approved by the Council to establish the facts of the matter.

- (7) A permit may be issued only for exhumation or removal that is to be done –
- (a) under the supervision of a qualified archaeologist or person approved by the Council;
 - (b) with due respect for any human remains and the customs and beliefs of any person or community concerned with such grave or burial ground and, when requested, in the presence of such person or community representative after arrangements have been made for –
 - (i) the reinterment of any human remains; and
 - (ii) the reinterment or curation of any other contents of such grave or burial ground,to the satisfaction of the Council.

Heritage Objects (section 44 of the Act)

13.(1) An owner of a heritage object must, within six months after becoming aware of the status of his or her heritage object, apply to the Council for the registration of such object.

(2) The application contemplated in sub-regulation (1) must be made in writing and must include the following –

- (a) a catalogue of the items;
- (b) information regarding the movement of the object; and
- (c) any other relevant information.

(3) The catalogue contemplated in sub-regulation (2)(a) must contain the following information –

- (a) the name and description of each object;
- (b) the date on which the object was acquired;
- (c) where the item was collected, or where it came from;
- (d) information on how the object was acquired;
- (e) the age of the object;
- (f) a record of alterations or repairs carried out on the object;
- (g) provision made for safety and curation of the object;

- (h) any other information available on the object; and
- (i) a photograph or drawing of the object.

(4) The register contemplated in section 44 of the Act must be secured by the Council and administered by an officer of the Council.

(5) The officer contemplated in sub-regulation (4) may, after due and reasonable notice and during office hours, inspect collections of objects owned by private persons and private institutions.

(6) Any person in possession or ownership of a heritage object listed by private persons and private institutions –

- (a) may not destroy, alter, restore or remove from its place of storage such object, except under the authority of a permit issued by the Council;
- (b) must allow regular inspections by the Council of such object;
- (c) must ensure that the object is not in danger of theft or deterioration due to environmental or other influences; and
- (d) must ensure that the object has not been acquired in an unlawful manner.

Special protection: Heritage Landmark status

Application to Council for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of a Heritage Landmark site (section 38(1) of the Act) or a site in respect of which a notice has been given of the intention to confer Heritage Landmark status thereon (section 38(3) of the Act)

14.(1) A person wishing to damage, alter, redecorate, remove from its original position, subdivide or amend any plan –

- (a) of a Heritage Landmark site; or
- (b) of a site in respect of which a notice outlining the intention to confer it Heritage Landmark status has been published in the *Gazette*,

must, in terms of section 38(1) of the Act, obtain prior written approval of the Council.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form H as set out in Annexure 8 and must include –

- (a) the names of the applicant;

- (b) the purpose for damaging, altering, redecorating, removing, subdividing or amending any plan of the Heritage Landmark site;
- (c) the full property description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;
- (d) a full description of the outer boundaries of the site and the extent of the site on the land;
- (e) the current zoning of the land;
- (f) the actual current use of the site and the land;
- (g) full details of any improvements to, and structures on, the site and the land;
- (h) the GPS co-ordinates of the site;
- (i) the municipal area within which the location of such Heritage Landmark site is situated; and
- (j) the drawings, plans and photographs of the Heritage Landmark site;
- (k) the names, qualifications and standards of practice of persons employed to alter, redecorate, remove, subdivide or amend any plan of the Heritage Landmark site;
- (l) particulars of bodies or interest groups consulted by the applicant; and
- (m) the fee determined by the Council for the processing of any application or approval in terms of the Act.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) When the Council decides to grant the approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of a Heritage Landmark or Provincial Landmark site, as contemplated in sections 38(1) or 39(1) of the Act, as the case may be, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must –

(a) identify the affected site and include the following information regarding the site

–

(i) a full description of the site where the structure is situated;

(ii) the name, address and qualifications of the applicant; and

(iii) the actual or probable historical value of the structure; and

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of such a site, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

(a) the person or body in current control of the Heritage Landmark site or a site in respect of which a notice has been given of the intention to confer Heritage Landmark status thereon;

(b) the registered owner of the land or the occupier of such site;

(c) the municipal manager of the municipality for the area in which such site is situated; and

(d) all known stakeholders situated in the area in which the affected site is situated, advising those persons that they may make written representations or submissions regarding the possible approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of such a site.

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

Application to Council for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of a Provincial Landmark site (section 39(1) of the Act), or a site in respect of which a notice has been given of the intention to confer Provincial Landmark status thereon (section 39(3) of the Act)

15.(1) A person wishing to damage, alter, redecorate, remove from its original position, subdivide or amend any plan –

(a) of a Provincial Landmark site; or

(b) of a site in respect of which a notice outlining the intention to confer it Heritage Landmark status has been published in the *Gazette*,

must, in terms of section 39(1) of the Act, obtain prior written approval of the Council.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form H as set out in Annexure 8 and must include –

(a) the names of the applicant;

(b) the purpose for damaging, altering, redecorating, removing, subdividing or amending any plan of the Provincial Landmark site;

(c) the full property description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(d) a full description of the outer boundaries of the site and the extent of the site on the land;

(e) the current zoning of the land;

(f) the actual current use of the site and the land;

(g) full details of any improvements to, and structures on, the site and the land;

(h) the GPS co-ordinates of the site;

(i) the municipal area within which the location of such Heritage Landmark site is situated;

(j) the drawings, plans and photographs of the Heritage Landmark site;

(k) the names, qualifications and standards of practice of persons employed to alter, redecorate, remove, subdivide or amend any plan of the Heritage Landmark site;

(l) particulars of bodies or interest groups consulted by the applicant; and

(m) the fee determined by the Council for the processing of any application or approval in terms of the Act.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) When the Council decides to grant the approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of a Provincial Landmark site, as contemplated in section 39(1) of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must –

(a) identify the affected site and include the following information regarding the site

–

(i) a full description of the property where the Provincial Landmark site, or a site in respect of which a notice has been given of the intention to confer Provincial Landmark status thereon is situated;

(ii) the name, address and qualifications of the applicant; and

(iii) the actual or probable historical value of the site; and

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of such a site, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the structure;
- (b) the registered owner of the land and the occupier of the structure;
- (c) the municipal manager of the municipality for the area in which the structure is situated; and
- (d) all known stakeholders in the general area in which the affected property is situated,

advising those persons that they may make written representations or submissions regarding the possible approval for the damage, alteration, redecoration, removal, subdivision or amendment of any plan of such a site.

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

Application to Council for the destruction, damage, alteration, restoration, or removal from its original place of storage, of a Heritage Object (section 43 of the Act)

16.(1) A person wishing to destroy, damage, alter, restore or remove from its original place of storage, a Heritage Object in respect of which a notice outlining the intention to confer it a Heritage Object status has been published in the *Gazette*, must, in terms of section 43 of the Act, obtain prior written approval of the Council.

(2) The application for the approval referred to in sub-regulation (1) must be in writing on Form H as set out in Annexure 8 and must include –

- (a) the names of the applicant;
- (b) the purpose for damaging, altering, restoring or removing the Heritage Object;
- (c) the full property description, including the title deed number, the administrative district in which the original place of storage of the Heritage Object is situated;

- (d) a full description of the Heritage Object;
- (e) the municipal area within which the original place of storage of the Heritage Object is situated;
- (f) the names, qualifications and standards of practice of persons employed to damage, alter, restore or remove from its original place of storage, a Heritage Object;
- (g) particulars of bodies or interest groups consulted by the applicant; and
- (h) the fee determined by the Council for the processing of any application or approval in terms of the Act.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) When the Council decides to grant the approval for the destruction, damage, alteration, restoration, or removal from its original place of storage of a Heritage Object as contemplated in section 43 of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must –

(a) identify the Heritage Object and include the following information regarding the Heritage Object –

- (i) a full description of the Heritage Object;
- (ii) a full description of the original place of storage of the Heritage Object;
- (iii) the name, address and qualifications of the applicant; and
- (vi) the actual or probable historical value of the Heritage Object; and

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the destruction, damage, alteration, restoration, or removal from its original place of storage, of a Heritage Object, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the Heritage Object;
- (b) the owner of the Heritage Object;
- (c) the municipal manager of the municipality for the area in which the Heritage Object is stored; and
- (d) all known stakeholders in the general area in which the Heritage Object is stored,

advising those persons that they may make written representations or submissions regarding the possible approval for the destruction, damage, alteration, restoration, or removal from its original place of storage, of the Heritage Object.

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

Application to Council for the conferment of special protection of Heritage Landmark status on a site (section 38(2)(b) of the Act)

17.(1) Any person or interest group who are of the opinion that a site constitutes important elements of heritage in the Province, may in terms of section 38(2)(b) of the Act, apply to the Council to have a site conferred with special protection as a Heritage Landmark site.

- (2) The application referred to in sub-regulation (1) must be in writing and must include –
- (a) the names of the applicant;

- (b) the full site description, including the title deed number, the administrative district in which the site is situated, the extent of the site and, if applicable, the nature of any right in or over such site;
- (c) a full description of the outer boundaries of the site and the extent of the site on the land;
- (d) the current zoning of the site;
- (e) the actual current use of the site;
- (f) full details of any improvements to, and structures on, the site;
- (g) the GPS co-ordinates of the site;
- (h) the municipal area within which the location of such site is situated;
- (i) the drawings, plans and photographs of the Heritage Landmark site;
- (j) particulars of bodies or interest groups consulted by the applicant; and
- (k) the fee determined by the Council for the processing of any application or approval in terms of the Act.

(3) An application lodged with the Council as contemplated in sub-regulation (1) is treated as duly lodged when all necessary information has been submitted to the Council.

(4) The Council must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.

(5) When the Council decides to confer a site with protection as a Provincial Heritage Landmark site, as contemplated in section 38(2)(b) of the Act, the Council must give notice in the *Gazette* of the intention to grant such approval.

(6) The notice referred to in sub-regulation (5) must –

(a) identify the affected site and include the following information regarding the site

–

- (i) a full description of the site;
- (ii) the name, address and qualifications of the applicant; and
- (iii) the actual or probable historical value of the site; and

(b) give interested parties an opportunity to make written representations or submissions regarding the Council's pending decision to confer a site with

protection as a Provincial Heritage Landmark site, within a period of not less than 30 days.

(7) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

(8) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current control of the site;
- (b) the registered owner of the site and the occupier of a structure on the site;
- (c) the municipal manager of the municipality for the area in which the site is situated; and

(d) all known stakeholders in the general area in which the affected site is situated, advising those persons that they may make written representations or submissions regarding the Council pending decision to confer a site with protection as a Provincial Heritage Landmark site.

(9) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

PART III CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND MEMBERS OF COMMITTEES OF COUNCIL

General conduct of members of Council (section 52(1)(b) of the Act) and members of committees of Council

18. A member of the Council or of a committee of the Council must –

- (a) perform the functions of office in good faith, honestly and in a transparent manner;
- (b) at all times, act in the best interests of the Council and in such a way that the credibility and integrity of the Council is not compromised;
- (c) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;

- (d) co-operate with public institutions established under legislation and the Constitution in promoting the public interest;
- (e) serve the public in an unbiased and impartial manner in order to create confidence in the Council;
- (f) be helpful and reasonably accessible in his or her dealings with the public and at all times treat members of the public as customers who are entitled to receive high standards of service;
- (g) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- (h) not abuse his or her position to promote prejudice or self interest;
- (i) recognise the public's right to access to information, excluding information that is specifically protected by law;
- (j) strive to achieve the objectives of the Council cost effectively and in the public interest;
- (k) be punctual in the execution of his or her duties;
- (l) be honest and accountable in dealing with public funds;
- (m) use the Council's property and other resources effectively, efficiently and only for authorised official purposes;
- (n) execute his or her responsibilities in a professional and competent manner; and
- (o) not engage in any action that is in conflict with or infringes on the execution of his or her official duties.

Rewards, gifts and favours

19. A member of the Council or a committee of the Council may not request, solicit or accept any reward, gift or favour for –

- (a) voting or not voting in a particular manner on any matter before the Council or before a committee of which that member is part of;
- (b) influencing the Council or any committee in regard to the exercise of any power, function or duty;
- (c) making a representation to the Council or any committee of the Council; or
- (d) disclosing privileged or confidential information.

Unauthorised disclosure of information

20.(1) A member of the Council or a committee of the Council may not without the permission of the Council or a committee disclose any privileged or confidential information of the Council or committee to any unauthorised person.

(2) For the purpose of this regulation, "privileged or confidential information" includes any information –

- (a) determined by the Council or committee to be privileged or confidential;
- (b) discussed in closed session by the Council or committee;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of law.

(3) This regulation does not derogate from the right of any person to access information in terms of national legislation.

Intervention in administration

21. A member of the Council or a committee of the Council may not, except as provided by law –

- (a) interfere in the management or administration of the Council unless mandated by the Council;
- (b) give or purport to give any instruction to any employee of the Council except when authorised to do so by the Council;
- (c) obstruct or attempt to obstruct the implementation of any decision of the Council or a committee of the Council; or
- (d) encourage or participate in any conduct which would cause or contribute to maladministration in the Council.

Duty of chairperson of Council

22.(1) If the chairperson of the Council, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, the chairperson must –

- (a) authorise an investigation of the facts and circumstances of the alleged breach;

- (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the Council after paragraphs (a) and (b) have been complied with.

(2) A report in terms of sub-regulation (1)(c) is open for public scrutiny.

(3) The chairperson must report the outcome of the investigation to the responsible Member of the Executive Council.

(4) The chairperson must ensure that each member when taking office is aware of the Code of Conduct.

Breach of Code of Conduct

23.(1) The Council may –

- (a) investigate and make a finding on any alleged breach of a provision of the Code of Conduct;
- (b) establish a special committee to deal with any alleged breach of a provision of the Code of Conduct –
 - (i) to investigate and make a finding on any alleged breach of the Code of Conduct; and
 - (ii) to make appropriate recommendations to the responsible Member of the Executive Council.

(2) If the Council or a special committee finds that a member has breached a provision of the Code of Conduct, the Council may –

- (a) issue a formal warning to the member;
- (b) reprimand the member;
- (c) request the responsible Member of the Executive Council to suspend the member from office for a period;
- (d) fine the member; and
- (e) request the responsible Member of the Executive Council to remove the member from office.

(3)(a) Any member who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub-regulation (2), may within 14 days of having been notified of the decision of the Council, appeal to the responsible Member of the Executive Council in writing setting out the reasons on which the appeal is based.

(b) The appellant must provide a copy of the notice of appeal to the Council.

(c) The Council may within 14 days of receipt of the appeal referred to in paragraph (b), make any representation pertaining to the appeal to the responsible Member of the Executive Council in writing.

(d) The responsible Member of the Executive Council may, after having considered the appeal, confirm, set aside or vary the decision of the Council and inform the member and the Council of the outcome of the appeal.

(4) The responsible Member of the Executive Council may appoint a person or a committee to investigate any alleged breach of a provision of the Code and to make a recommendation as to the appropriate sanction in terms of sub-regulation (2) if the Council does not conduct an investigation contemplated in sub-regulation (1) and the responsible Member of the Executive Council considers it necessary.

(5) The responsible Member of the Executive Council may determine that any or all of sections 3 – 11 of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), apply to an investigation in terms of sub-regulation (4).

(6) If the responsible Member of the Executive Council is of the opinion that the member has breached a provision of the Code of Conduct, and that such contravention warrants a suspension or removal from office the responsible Member of the Executive Council may –

(a) suspend the member for a period and on conditions determined by the responsible Member of the Executive Council; or

(b) remove the member from office.

(7) Any investigation in terms of this regulation must be in accordance with the rules of natural justice.

PART IV
DETERMINATION OF OPERATIONAL AND ADMINISTRATIVE FRAMEWORK
METRO AND DISTRICT HERITAGE FORUMS

Appointment of persons to Metro and District Heritage Forums (section 32(a) of the Act)

24.(1) A Metro and District Heritage Forum established in terms of section 29 of the Act must, as far as practical, have representation from the following sectors –

- (a) heritage;
- (b) traditional leadership;
- (c) tourism;
- (d) culture;
- (e) education; and
- (f) religion.

(2) The membership contemplated in sub-regulation (1) must as far as possible be –

- (a) representative of the municipal areas within the District or Metro jurisdictional areas for which such Metro and District Heritage Forum are established; and
- (b) gender sensitive.

(3) Members of a Metro and District Heritage Forum contemplated in sub-regulation (1) must be appointed by the responsible Member of the Executive Council, after following the procedure set out in subsection (4), applying the principles of transparency and representivity, and taking into account any special competence, skill, knowledge, experience or interest in heritage matters.

(4) The responsible Member of the Executive Council must –

(a) by notice in two newspapers of general circulation within a jurisdictional area of a given District or Metro municipality, invite –

- (i) the public to submit nominations; and
- (ii) individuals to apply,

within 30 days of publication of the invitation for appointment as members of a Metro and District Heritage Forum;

(b) establish an independent panel consisting of at least three individuals to prepare a shortlist of nominees of no more than nine persons: Provided that the

panel must, in preparing the shortlist, apply the principles of transparency and representivity; and

(c) subject to the provisions of subsection (2), appoint the required number of members of a Metro and District Heritage Forum from the shortlist as contemplated in paragraph (b).

(5) A person appointed as a member of a Metro and District Heritage Forum must –

(a) possess skill, experience, knowledge or interest in, amongst others –

(i) heritage;

(ii) oral history;

(iii) traditional leadership;

(iv) community development; or

(v) cultural matters relating to the previously marginalised groupings of the community for which the Forum is established;

(b) be permanently resident in the Metro or District where the Heritage Forum is to be based; and

(c) in the opinion of the responsible Member of the Executive Council, be a fit and proper person.

(6) No person may be appointed as a member of a Metro and District Heritage Forum, if he or she has been convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine: Provided that a disqualification under this paragraph ends five years after the sentence has been completed.

Powers, duties and functions of Metro or District Heritage Forums

25. In addition to the powers, duties and functions contemplated in section 30 of the Act, a Metro or District Heritage Forum must –

(a) collect and submit local content to Multi-Media Centres for public information or display;

(b) work in collaboration with –

(i) local municipalities;

(ii) Community Development Workers;

(iii) *Amakhosi*;

(iv) museums;

- (v) libraries;
- (vi) educational institutions;
- (vii) organized religion; and
- (viii) other relevant institutions,

to ensure the promotion of sound heritage management within a District or Metro Municipality;

(c) advise on the need for the promotion of –

- (i) physical or tangible; and
- (ii) living heritage or intangible heritage;

(d) actively participate in the development of heritage policy in the province;

(e) co-operate with stakeholders contemplated in paragraph (b) above to ensure that where sound management of heritage resources within the district has the potential to create a nexus with –

- (i) the tourism industry; and
- (ii) other income generating enterprises,

the benefits that accrue from such a connection are also leveraged for the benefit of previously marginalized local communities; and

(f) identify individuals who are knowledgeable in heritage, cultural and historic matters in the local communities and ensure that the knowledge held by them is collected, documented and incorporated in the multi-media centres.

Term of office, resignation and termination of appointment of member of Metro or District Heritage Forum (section 32(b) of the Act)

26.(1) A member of a District or Metro Heritage Forum holds office for a period not exceeding three years, and may be reappointed.

(2) No member may be appointed for more than two consecutive terms.

(3) A member of a District or Metro Heritage Forum may, at any time and on not less than 30 days written notice, resign.

(4) A person may not remain in office as a member of a District or Metro Heritage Forum if he or she has –

- (a) failed to carry out the duties and functions of the District or Metro Heritage to the best of his or her ability;
- (b) been or is declared insolvent and has not been rehabilitated;
- (c) been or is convicted of an offence of which dishonesty is an element; or
- (d) engaged in conduct which, in the opinion of the chairperson of the District or Metro Heritage Forum, brings or could bring the activities of the District or Metro Heritage Forum into disrepute.

- (5) The chairperson of the District or Metro Heritage Forum may after due inquiry –
- (a) terminate the appointment of a member of the District or Metro Heritage Forum on any of the grounds provided for in sub-regulation (4); or
 - (b) on the recommendation of the District or Metro Heritage Forum, for reasons which are fair and just, by a resolution adopted with a supporting vote of at least two-thirds of the members of the District or Metro Heritage Forum, terminate the appointment of a member of the District or Metro Heritage Forum.

- (6) The chairperson of the District or Metro Heritage Forum must, on request of a member of the District or Metro Heritage Forum whose services have been terminated as contemplated in sub-regulation (5), give written reasons for the termination of service.

Scope and procedure of meetings of Metro or District Heritage Forums (section 32(c) of the Act)

- 27.(1) A Metro or District Heritage Forum must –

- (a) be chaired by a chairperson duly elected from members of the forum at its first meeting called by the responsible Member of the Executive Council or a person duly delegated by the responsible Member of the Executive Council; and
- (b) meet at least bi-monthly.

- (2) Secretarial support must be provided by the Department through a designated official who must serve as secretary to the forum.

- (3) The official referred to in sub-regulation (2) must prepare an agenda for each meeting and send it to the members of the forum, together with the date, time and venue of the meeting, in time to arrive seven days before the meeting.

(4) The Secretary must include in the agenda issues for discussion requested by the chairperson or other members of the forum, which items must be submitted for inclusion on the agenda no later than 14 days from the date of the meeting.

(5) The responsible Member of the Executive Council may, in the interests of enhancing heritage in the Province, have access to, and attend meetings of, the forum.

PART V GENERAL PROVISIONS

General provisions for applications

28.(1) Unless otherwise stated in these regulations, the Council must acknowledge receipt of an application and notify the applicant –

- (a) whether the application is complete or additional information is required;
- (b) of the approximate time it will take to process the application;
- (c) if the application will be considered at a meeting;
- (d) of the date, time and venue of the meeting when a personal presentation is requested; and
- (e) the relevant fees payable.

(2) An approval granted by the Council is not transferable and expires 12 months after the date of issue but may be extended at the discretion of the Council.

(3) The Council may specify minimum qualifications and standards of practice to be applied to any actions undertaken under authority of a permit.

(4) As provided for in section 7(2)(e) of the Act, the Council may determine fees payable to the Council for –

- (a) the processing of any application or approval in terms of the Act and these regulations; and
- (b) the provision of any service by the Council.

(5) The power of the Council to determine fees includes the power to review and re-determine the fees annually, or otherwise, in the sole discretion of the Council.

(6) The Council may formulate guidelines for any or all applications made in terms of the Act and these regulations.

(7) The Council may cancel any approval or permit at any time, if it has reasonable grounds to believe the conditions of the permit are not being complied with by either the permit holder or his or her agent.

(8) Any person who has been granted an approval in terms of these regulations must, within a maximum of 12 months after the approval, submit –

- (a) a report to the Council outlining the details of compliance; and
- (b) copies of any published papers, publication, theses or dissertations pertaining to the original application.

(9)(a) The Council may publish a report contemplated in sub-regulation (8)(a) in the *Gazette*.

(b) In the event that a report is not published, the Council may make such report available to researchers on request.

Offences and penalties (sections 50, 51, 52(1)(d) and 52(2) of the Act)


29. Save for the specific provisions referred to in Part III: Code of Conduct for Members of Council and Part IV: Determination of operational and administrative framework of Provincial, Metro and District Heritage Forums, a person who contravenes or fails to comply with any other provision of these regulations –

- (a) is guilty of an offence; and
- (b) is, on conviction, liable to a fine not exceeding R10 000.

Short title

| 30. These Regulations are called the KwaZulu-Natal Heritage Regulations, 2012.

ANNEXURE 1: FORM A

	APPLICATION FORM A (STRUCTURES)
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 33(1)(a) FOR THE DEMOLITION, ALTERATION OR ADDITION TO A STRUCTURE WHICH IS, OR WHICH MAY REASONABLY BE EXPECTED TO BE OLDER THAN 60 YEARS

(Application Form H must be used for alteration to structures permanently protected in terms of Section 37, 38, & 39 (Heritage Landmarks))

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE THE REQUIRED INFORMATION IN THIS APPLICATION (Detach and Consult the attached guidelines before completing this form)

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. APPLICATIONS ON NON-COMPLIANT FORMS WILL NOT BE PROCESSED

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

3. Current zoning: _____ Present use: _____

C. SIGNIFICANCE:

1. Original date of construction: _____

2. Historical Significance: _____

References: _____

3. Architectural Significance: _____

References: _____

4. Urban Setting & Adjoining Properties: _____

D. PROPOSED WORK

1. Purpose of Application: (Indicate the reason by marking the relevant box)

DEMOLITION

CONDITION	<input type="checkbox"/>	HEALTH REASONS	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
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ALTERATION

CONDITION	<input type="checkbox"/>	MAINTENANCE	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
-----------	--------------------------	-------------	--------------------------	-------	--------------------------

ADDITION

EXTENSION	<input type="checkbox"/>	CHANGED USE	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
-----------	--------------------------	-------------	--------------------------	-------	--------------------------

2. Motivation for proposed work: (Please motivate fully – on a separate sheet if Detail the alterations/additions/restorations proposed (Briefly outline the proposal)

E. CONTACT DETAILS

1. Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

Cell: _____ Qualifications _____

Registration of Industry Regulatory Body: _____

2. Architect/Architectural Technologist/Designer

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

Cell: _____ SACAP REG.NO _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (Owner or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFa AKWAZULU-NATALI**

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)

Name: _____


Telephone: _____ Fax: _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION

YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PROOF OF PUBLIC PARTICIPATION		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 2: APPLICATION FORM B

	APPLICATION FORM B
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 34) FOR THE DAMAGE, ALTERATION, EXHUMATION OR REMOVAL FROM THE ORIGINAL POSITION OF A GRAVE/S OR CEMETERY OR PART THEREOF OF A VICTIM/S OF CONFLICT

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form B

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Graves on site: _____

C. SIGNIFICANCE:

1. Status of the Site:

Battlefield site		Commonwealth Grave (WW1, WW2 & Korean Wars)		Struggle Against Apartheid Site	
------------------	--	---	--	------------------------------------	--

2. Historical/Military Significance: _____

References: _____

3. Commonwealth Conflicts Significance: _____

References: _____

4. Struggle Significance: _____

References: _____

4. New Location (in the case of removal from original position)

4.1 Name of property: _____ Title Deed No. _____

4.2 Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

4.3 Current zoning: _____ Present use: _____

E. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. Where possible descendants of the deceased must be contacted and their approval obtained. Local Historical/Heritage Societies and Museums must be consulted. The Provincial/Regional Military History Societies and Organisations serving the interests of those who participated in the relevant conflicts must also be consulted. Approval from the Local Authority must be obtained.)

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

F. CONTACT DETAILS

1. Contractor/Funeral Director/Heritage Practitioner

Name: _____

Postal Address: _____

Postal Code: _____

Tel: _____ Fax: _____

Qualifications _____

Membership of Recognised Professional/Technical Bodies _____

2. Owner Of Property

Name: _____

Postal Address: _____

_____ Post Code: _____

Tel: _____ Fax: _____

3. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

G. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFa AKWAZULU-NATALI**

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office


H. CHECKLIST OF SUPPORTING DOCUMENTATION

YES

NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & AUTHOR)		
MOTIVATION		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 3: APPLICATION FORM C

	APPLICATION FORM C
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 35) FOR THE DAMAGE, ALTERATION, EXHUMATION OR REMOVAL FROM THE ORIGINAL POSITION OR ANY OTHER DISTURBANCE OF A GRAVE/S NOT LOCATED IN A FORMAL CEMETERY (ARCHAEOLOGICAL GRAVES)

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form C

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Graves on site: _____

C. SIGNIFICANCE:

1. Status of the Site:

Connected to homestead or site of previous homestead		Connected to spiritual site		Site earmarked for development (rescue)		Other	
--	--	-----------------------------	--	---	--	-------	--

2. Historical Significance: _____

References: _____

3. Archaeological Significance: _____

References: _____

4. Rock Art Significance: _____

References: _____

D. PROPOSED WORK

1. Purpose of Application (Indicate the reason by marking the relevant box)

Damage		Alteration	
Exhumation		Removal from original position	

2. Motivation for proposed work: (Please motivate fully) _____

3. Detail of the proposed work: _____

4. New Location: (in the case of removal from original position)

4.1 Name of property: _____ Title Deed No. _____

4.2 Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

4.3 Current zoning: _____ Present use: _____

E. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. Where possible descendants of the deceased must be contacted and their approval obtained. Local Historical/Heritage Societies and Museums must be consulted. The Provincial/Regional Military History Societies and Organisations serving the interests of those who participated in the relevant conflicts must also be consulted. Approval from the Local Authority must be obtained. See Guidelines)

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

Name: _____

Telephone: _____ Fax: _____

F. CONTACT DETAILS

1. Contractor/Funeral Director/Heritage Practitioner

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Qualifications: _____

Membership of Recognised Professional/Technical Bodies: _____

2. Owner Of Property

Name: _____

Postal Address: _____

_____ Post Code: _____

Tel: _____ Fax: _____

3. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

G. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFa AKWAZULU-NATALI**


Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

H. CHECKLIST OF SUPPORTING DOCUMENTATION**YES****NO**

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & AUTHOR)		
MOTIVATION		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
Proof of Registration with Professional/Technical Bodies		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 4: APPLICATION FORM D

	APPLICATION FORM D
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 36(1)) FOR THE DESTRUCTION, DAMAGE, EXCAVATION, ALTERATION, OF BATTLEFIELD SITES, ARCHAEOLOGICAL SITES, ROCK ART SITES, PALAEOANTHROPOLOGICAL SITES, METEORITE OR METEORITE IMPACT SITES

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form D

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Structures or improvements on site: _____

C. SIGNIFICANCE:

1. Status of the Site:

Battlefield site		Archaeological site		Rock Site	Art		Palaeontological site	
Meteorite Site				Meteorite Impact Site				

2. Historical/Military Significance: _____

References: _____

3. Archaeological Significance: _____

References: _____

4. Rock Art Significance: _____

References: _____

5. Palaeontological Significance: _____

References: _____

Meteorite or meteorite Impact Significance: _____

4. New Location (in the case of removal from original position)

4.1 Name of property: _____ Title Deed No. _____

4.2 Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

4.3 Current zoning: _____ Present use: _____

E. CONTACT DETAILS

1. Contractor/Funeral Director/Heritage Practitioner

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ Qualifications: _____

Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ SACAP/ASAPA Reg No. _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____
 Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____
 Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.
 Banking details in case of direct deposits:
ABSA BANK: Branch: ULUNDI Bank Code: 630330
 Account in the name of **AMAFa AKWAZULU-NATALI**
Account No. 40-5935-6024
NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office


G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)

Name _____
 Telephone _____ Fax _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PROOF OF PUBLIC PARTICIPATION – WRITTEN OPINIONS ATTACHED		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 5: APPLICATION FORM E

	APPLICATION FORM E
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 36(4)) FOR THE EXHUMATION, DESTRUCTION, OWNERSHIP OR COLLECTION OF ANY OBJECT OR MATERIAL ASSOCIATED WITH AN BATTLEFIELD SITE, ARCHAEOLOGICAL SITE, ROCK ART SITE, PALAEOLOGICAL SITE, METEORITE OR METEORITE IMPACT SITE

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - Permits – Form E

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Structures or improvements on site: _____

C. SIGNIFICANCE:

1. Type of the Site:

Battlefield site		Archaeological site		Rock Art Site		Palaeontological site	
Meteorite Site				Meteorite Impact Site			

2. Historical/Military Significance: _____

References: _____

3. Archaeological Significance: _____

References: _____

4. Rock Art Significance: _____

References: _____

5. Palaeontological Significance: _____

References: _____

Meteorite or meteorite Impact Significance: _____

References: _____

References: _____

D. PROPOSED ACTION

1. Purpose of Application; (Indicate the reason by marking the relevant box)

Exhumation	<input type="checkbox"/>	Removal from original position	<input type="checkbox"/>	Damage	<input type="checkbox"/>
Destruction	<input type="checkbox"/>	Change of ownership	<input type="checkbox"/>	Collection	<input type="checkbox"/>

2. Brief Motivation for proposed work: (attach a full report to this application)

3. Briefly Detail of the proposed work: (attach a full report to this application)

4. New Location (in the case of removal from original position)

4.1 Name of property: _____ Title Deed No. _____

4.2 Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

4.3 Current zoning: _____ Present use: _____

E. CONTACT DETAILS

1. Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ Qualifications: _____

Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ SACAP/ASAPA Reg No. _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330Account in the name of **AMAFA AKWAZULU-NATALI****Account No. 40-5935-6024****NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office****G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)**

Name: _____


Telephone: _____ Fax: _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION**YES****NO**

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		

PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PROOF OF PUBLIC PARTICIPATION – WRITTEN OPINIONS ATTACHED		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 6: APPLICATION FORM F

	APPLICATION FORM F
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 36(5)) FOR THE USE OF EQUIPMENT WHICH ASSISTS IN THE DETECTION OF METALS AND ARCHAEOLOGICAL AND PALAEOLOGICAL MATERIAL

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Forms are available on the website www.heritagekzn.co.za - "permits" -Form F.

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: Amafa aKwaZulu-Natali, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No. _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates _____

3. Current zoning: _____ Present use _____

C. SIGNIFICANCE OF THE SITE:

1. Type of site:

Battlefield site	Archaeological site	Rock Site	Art	Palaeontological site
Meteorite Site		Meteorite Impact Site		

2. Historical/Military Significance: _____

References: _____

3. Archaeological Significance: _____

References: _____

4. Rock Art Significance: _____

References: _____

5. Palaeontological Significance: _____

References: _____

Meteorite or meteorite Impact Significance: _____

References: _____

D. PROPOSED ACTION

1. Purpose of Application: (Indicate the reason by marking the relevant box)

Detection of metals	<input type="checkbox"/>	Detection of archaeological and/or palaeontological material	<input type="checkbox"/>	Detection of a meteorite or fragments thereof	<input type="checkbox"/>
Excavation	<input type="checkbox"/>	Other (state)			<input type="checkbox"/>

2. Type of Equipment to be used:

Equipment for the detection of metals	<input type="checkbox"/>	Equipment for detection of archaeological and/or palaeontological material	<input type="checkbox"/>
Equipment for the detection of meteorites	<input type="checkbox"/>	Excavation equipment	<input type="checkbox"/>

3. Motivation for proposed action: (Please motivate fully): _____

4. Detail of the proposed action: (Give exact location where the equipment is to be used and how it is to be used): _____

5. Undertaking By Applicant:

I _____
 hereby confirm that the action proposed above will not disturb, damage, destroy any
 object on any battlefield site, archaeological site, rock art site, palaeontological site,
 meteorite or meteorite impact site.

SIGNED _____

AT _____ ON THE _____ DAY OF _____ 20__

E. CONTACT DETAILS

1. Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ Qualifications: _____

Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ SACAP/ASAPA Reg No. _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____
 Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____
 Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.
 Banking details in case of direct deposits:
ABSA BANK: Branch: ULUNDI Bank Code: 630330
 Account in the name of **AMAFa AKWAZULU-NATALI**
Account No. 40-5935-6024
NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)


Name: _____
 W2Q
 Telephone: _____ Fax: _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION

YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PROOF OF PUBLIC PARTICIPATION – WRITTEN OPINIONS		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 7: APPLICATION FORM G

	APPLICATION FORM G
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
Date of permit/notification: _____	
Permit No _____	

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTION 36(8)) FOR THE TRADING AND EXPORTING OF ANY CATEGORY OF ARCHAEOLOGICAL OBJECT, ANY PALAEOLOGICAL MATERIAL, ANY ECOFACT, ANY OBJECT WHICH MAY REASONABLY BE REGARDED AS HAVING BEEN RECOVERED FROM A BATTLEFIELD SITE, ANY MATERIAL CULTURAL ARTIFACT, OR ANY METEORITE

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form G

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax to 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. DESCRIPTION OF THE OBJECT/S:

1. Name of object: _____

2. Origin of object: _____

3. Museum/Collection of which object/s form part: _____

4. Museum/Collection classification/documentation/inventory no. _____

C. SIGNIFICANCE OF THE OBJECT/S:

1. Type of object:

Object from Battlefield site		Archaeological object		Palaeontological object	
Ecofact		Material Cultural artefact		Meteorite	

2. Historical/Military Significance: _____

References: _____

3. Archaeological Significance: _____

References: _____

4. Rock Art Significance: _____

References: _____

5. Palaeontological Significance: _____

References: _____

6. Ecological significance: _____

References: _____

7. Material Cultural significance: _____

References: _____

8. Meteorite significance: _____

References: _____

D. PROPOSED ACTION

1. Purpose of Application: (Indicate the reason by marking the relevant box)

Trade	<input type="checkbox"/>	Export for temporary exhibition purposes	<input type="checkbox"/>	Export for purposes of scientific analysis	<input type="checkbox"/>
Expatriation to country of origin	<input type="checkbox"/>	Export as part of permanent agreement between institutions	<input type="checkbox"/>	Export due to owner emigrating from S A	<input type="checkbox"/>

2. Motivation for proposed action: (Please motivate fully) _____

4. Location to which Object/s will be sent:

Name of Institution/New Owner: _____

Physical Address where object is to be housed: _____

Country: _____

5. Export Permit No. _____

6. Import Permit No. _____

E. CONTACT DETAILS

1. Shipping Agent/Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ Qualifications: _____

Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ SACAP/ASAPA Reg No. _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFa AKWAZULU-NATALI**

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)


Name _____

Telephone: _____ Fax: _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PUBLIC PARTICIPATION WRITTEN OPINIONS		
PAYMENT/PROOF OF PAYMENT		

ANNEXURE 8: APPLICATION FORM H

APPLICATION FORM H	
	Ref: _____ Date received: _____ Application No: _____ Application approved <input type="checkbox"/> not approved <input type="checkbox"/> Date of permit/notification: _____ Permit No: _____

PERMIT APPLICATION IN TERMS OF THE KZN HERITAGE ACT (SECTIONS 38(1) AND (3), AND 39(1) AND (3)), FOR THE DAMAGE, ALTERATION, REDECORATION, REMOVAL, SUBDIVISION OR AMENDMENT OF ANY PLAN OF A HERITAGE LANDMARK, PROVINCIAL HERITAGE LANDMARK OR ANY SITE IN RESPECT OF WHICH A NOTICE HAS BEEN GIVEN OF THE INTENTION TO CONFER SUCH STATUS THEREON

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION (Detach and Consult the attached guidelines before completing this form)

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. The application form and other information pertaining to applications is also available on the Amafa website, www.heritagekzn.co.za under "Permits" – Application Form H (Heritage Landmarks)

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No: _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Structures or improvements on site: _____

C. SIGNIFICANCE:

1. Status of the Site:

Heritage Landmark	Provincial Heritage Landmark	Listed on the Heritage Register	Heritage Conservancy
Provisionally Protected (notice issued)		Government Gazette Notice of Protection	

2. Historical/Military Significance: _____

References: _____

3. Architectural Significance: _____

References: _____

4. Archaeological Significance: _____

References: _____

5. Palaeontological Significance: _____

References: _____

D. PROPOSED WORK

1. Purpose of Application: (Indicate the reason by marking the relevant box)

Damage		Alteration		Redecoration	
Removal		Subdivision		Amendment of Site Plan	

2. Motivation for proposed work (Please motivate fully on a separate sheet if necessary)

3. Briefly Detail the alterations/additions/restorations proposed: (a full report must be attached)

E. CONTACT DETAILS

1. Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Postal Code: _____
 Tel: _____ Fax: _____
 Cell: _____ Qualifications: _____
 Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____
 Postal Address: _____

 _____ Postal Code: _____
 Tel: _____ Fax: _____
 Cell: _____ SACAP/ASAPA Reg No. _____
 Author's Drawing Nos: _____
 Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____
 Postal Address: _____

 _____ Post Code _____
 Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____
 Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFA AKWAZULU-NATALI**

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)

Name: _____

Telephone: _____ Fax _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PAYMENT/PROOF OF PAYMENT		



AMAFA aKWAZULU-NATALI

GUIDELINES FOR THE PREPARATION OF APPLICATIONS FOR PERMITS FOR DAMAGE, ALTERATION, REDECORATION, SUBDIVISION OR AMENDMENT OF ANY PLAN OF A HERITAGE LANDMARK, PROVINCIAL LANDMARK OR ANY SITE IN RESPECT OF WHICH A NOTICE HAS BEEN GIVEN OF THE INTENTION TO CONFER SUCH STATUS THEREON

Please read these guidelines carefully before preparing the application on Form H for permits for work on sites protected under Section 38(1), and (3); 39(1) and (3) and those listed on the Heritage Register in terms of the KwaZulu-Natal Heritage Act, 2008 (Act No.4 of 2008)

APPLICATION FORMS

All applications must be made on the official application Form H and must be accompanied by the relevant supporting documentation. The owner must sign the application form and any accompanying plans or documentation.

PROPERTY: Include the name of the property where applicable: e.g. Government House. The street address is the key information and is used as a tracking device in the filing system. Where several street numbers apply to the site, all the numbers must be included.

SIGNIFICANCE: Sites are permanently protected as Heritage Landmarks (ex national monument status) or listed on the Heritage Register. Details of the significance are given in the *Gazette* notice proclaiming the status. Provide the *Gazette* Notice number or the listing number.

1. HISTORICAL SIGNIFICANCE: a brief history of the occupation of the site and phases of construction, as well as an assessment of historical significance is necessary.

2. ARCHITECTURAL SIGNIFICANCE: An assessment of the condition of the buildings/structures on the site must be given. Provide an analysis of the styles and phases of construction of the building, including alterations and additions and a statement of its architectural significance. A full status quo architectural report must be provided, together with the plans.

3. ARCHAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the archaeological remains must be provided

4. PALAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the archaeological remains must be provided

PROPOSED WORK: Motivate and give full details of the proposed work.

SUPPORTING DOCUMENTATION: Only Amafa accredited professionals can compile the required supporting documentation. Permits issued will be conditional on that person overseeing the work. (Proof of Professional Registration by SACAP or ASAPA to be attached)

1. PHOTOGRAPHS OF EXISTING STRUCTURE(S)/REMAINS AND SURROUNDINGS:

Photographs to clearly illustrate the features of the affected structures/remains relevant to the application must be submitted. Photographs showing all the elevations/sides as well as general

views showing the structure/remains in its context (streetscape and/or surroundings) must also be provided.

2. PLANS:

Architectural Plans must be drawn by professional architects who are accredited with Amafa and registered with the South African Council for the Architectural Profession. Two copies of the plans, coloured in accordance with the instructions below, must be submitted. One copy will be stamped and sent back to the architect to submit to the Municipality. Plans must not be smaller than A3 size (210 x 297 mm) and must not be larger than A0 size (841 x 1 189 mm). All supporting documentation to be folded to A4 size, with plans folded showing the title block containing all details of the owner, architect SACAP registration no., drawing nos. (with all revisions indicated), date of drawings and signatures of the owners and the architect.

2.1 SITE PLAN

The site plan must be drawn in accordance with the approved surveyor's diagram of the site and must show: scale; the north point; the erf/property/farm number of the site; the location of the site and any structures on it in relation to surrounding roads, buildings and other features; existing buildings, structures, and subterranean structures/remains on the site (coloured grey or uncoloured); proposed work (coloured red) and structures/parts of structures proposed for demolition (in dotted lines); and the extent of the declared area (in the case of a proclaimed property). An aerial view obtainable from "Google Earth" or the municipality is recommended additional information.

2.2 FLOOR PLANS, ELEVATIONS AND SECTIONS

Sufficient plans, elevations and sections must be submitted to show the proposed work clearly. These drawings should be at 1:100, 1:50 or 1:20 scale, and must be fully dimensioned. The position of section lines must be indicated on the plan. The elevations should accurately reflect the effect of the proposal on the structure and its relationship to adjacent buildings.

All new materials, including finishes, must be specified. Drawings should be coloured as follows:

MATERIALS	COLOUR
all existing	grey
demolition	dotted lines
new masonry	red
new concrete	green
new iron or steel	blue
new painting & plastering	yellow
new wood	brown
other	clearly indicated, using colours other than as above

2.3 SCALE PLAN OF EXISTING STRUCTURE(S)

If it is impossible to distinguish the existing layout from the original plans submitted, a measured floor plan of the structure as it exists is required. It must be at the same scale as the plans of the proposed work to facilitate comparison.

2.4 DOOR AND WINDOW SCHEDULES AND DETAILS

Proposals for changing or replacing doors or windows must include sufficient information about their size, proportion and detail. This may be in the form of manufacturer's information (for stock windows and doors) or joinery details (for specials). 1:10 details of elements may be required.

G. Public Participation: the applicant will be notified of the level of public participation required and will have to bear the costs thereof. Neighbours, Ward Councillors, and Heritage Societies should be consulted.

SUBMISSION OF APPLICATIONS

Applications to be submitted in hard copy to: (Structures) The Head – Built Environment Section, or (archaeological/palaeontological) the Head – Archaeology Section, Amafa aKwaZulu-Natali, and must be delivered to 195 Langalibalele Street, Pietermaritzburg, 3201 or posted to BOX 2685, Pietermaritzburg, 3200. Faxed or e-mailed applications are not accepted.

A SUBMISSION FEE OF R300.00 (subject to annual increment on 1 April) PER APPLICATION MUST BE PAID

THE OWNERS MUST SIGN THE APPLICATION FORMS. PERMITS ARE NOT TRANSFERABLE.

PROCESSING OF APPLICATIONS:

Structures: Applications for minor alterations are submitted to the Plans Committee every two weeks. All major alterations to protected buildings are submitted to the Built Environment Committees that meet every six weeks. Lobbying of Plans Committee or BEC members will disqualify the application and the matter will be reported to the professional registering authority.


Archaeological/Palaeontological Sites: The Permit Review Committee reviews and makes recommendations on applications on a need basis (there are no set meeting schedules).

Written notification on the progress of applications will be forwarded to applicants by post or fax and no telephonic calls or e-mails in this regard will be responded to. All documentation submitted is retained for record purposes (second copies of plans will be stamped and returned to the applicant unless otherwise requested).

The application form and other information pertaining to applications is also available on the Amafa website, www.heritagekzn.co.za under "Permits" – Application Form H (Heritage Landmarks)

***PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.**
Processing can take up to 90 days from the date of the receipt of all required documentation.

ANNEXURE 9: APPLICATION FORM I

	APPLICATION FORM I
	Ref: _____
	Date received: _____
	Application No: _____
	Application approved <input type="checkbox"/> not approved <input type="checkbox"/>
	Date of permit/notification: _____
Permit No: _____	

**APPLICATION IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008
(ACT NO.4 OF 2008) FOR THE CONDONATION/APPROVAL/RECTIFICATION
OF THE UNLAWFUL COMMENCEMENT OR CONTINUATION OF WORK ON,
OR DAMAGE OF, PROTECTED HERITAGE RESOURCES**

PLEASE NOTE

IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION (Detach and Consult the attached guidelines before completing this form)

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form I

**ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS,
PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE
DELIVERED TO: *Amafa aKwaZulu-Natali*, 195 LANGALIBALELE
(LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO:
BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552
(For proof of payment not applications)**

A. DECLARATION BY OWNER

I, _____

(Full names of owner/person authorized to sign) undertake strictly to observe the terms conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.

Signature: _____

Place: _____ Date: _____

(The owner of the property/ person authorized to sign must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:

1. Name of property: _____ Title Deed No: _____

2. Erf/Lot/Farm No: _____

Street Address: _____

Local Municipality: _____

District Municipality: _____

GPS Co-ordinates: _____

3. Current zoning: _____ Present use: _____

4. Detail of Structures or improvements on site: _____

C. SIGNIFICANCE:

1. Status of the Site:

Heritage Landmark	Provincial Heritage Landmark	Listed on the Heritage Register	Heritage Conservancy
Provisionally Protected (notice issued)	Generally protected structure	Generally protected archaeological site	Generally protected grave or battlefield

Government *Gazette* Notice of Protection: _____

2. Historical/Military Significance: _____

References: _____

3. Architectural Significance: _____

References: _____

4. Archaeological Significance: _____ -

References:

5. Palaeontological Significance:

Refereneces: _____

D. UNLAWFUL WORK

1. Purpose of the work (Indicate the reason by marking the relevant box)

Damage/Demolition		Alteration/Addition		Repair/Redecoration	
Removal from site		Subdivision		Amendment of Site Plan	

2. Date when the work was first commenced: _____

3. Current Status of the Work (mark appropriate box)

Completed		Stopped pending application outcome		Stopped prior to finalisation	
Underway/continuing		Decommissioned and the site rehabilitated		Decommissioned and the site abandoned	

4. Detail of the work (Provide full details on the nature and purpose of the work – use a separate sheet if necessary)

5. Motivation (Motivate the purpose of the work and why it was begun/completed unlawfully)

E. CONTACT DETAILS

1. Contractor (the person who will do the work)

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ Qualifications: _____

Registration of Industry Regulatory Body _____

2. Heritage Architect/Heritage Practitioner/Conservator

Name: _____

Postal Address: _____

_____ Postal Code: _____

Tel: _____ Fax: _____

Cell: _____ SACAP/ASAPA Reg No. _____

Author's Drawing Nos: _____

Signature: _____ Date: _____

3. Owner Of Property (or delegated person to sign on the front of this form)

Name: _____

Postal Address: _____

_____ Post Code _____

Tel: _____ Fax: _____

4. Delegated Authority (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

Name: _____

Tel: _____ Fax: _____

F. SUBMISSION FEE: R300.00 (subject to annual increment on 1 April)

The submission fee is payable to **Amafa aKwaZulu-Natali** in cash, by cheque, postal order or bank deposit/internet banking prior to the processing of this application.

Banking details in case of direct deposits:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of **AMAFa AKWAZULU-NATALI**

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)

Name _____

Telephone _____ Fax _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION

YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)		
MOTIVATION/INCEPTION REPORT		
PHOTOGRAPHS		
ORIGINAL DRAWINGS		
PLANS (X2 SETS) - NUMBERED AND COLOURED		
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)		
PAYMENT/PROOF OF PAYMENT		



AMAFA aKWAZULU-NATALI

GUIDELINES FOR THE PREPARATION OF APPLICATIONS FOR PERMITS FOR THE UNLAWFUL WORK ON ANY SITE PROTECTED IN TERMS OF SECTIONS 33, 34, 35, 36, 38, 39, 40, 41, & 43 OF THE KZN HERITAGE ACT, 2008

Please read these guidelines carefully before preparing the application on Form I for approval of unlawful work on sites protected under KwaZulu-Natal Heritage Act (4 of 2008)

APPLICATION FORMS

A. All applications must be made on the official application Form H and must be accompanied by the relevant supporting documentation. The owner must sign the application form and any accompanying plans or documentation.

B. **PROPERTY:** Include the name of the property where applicable: e.g. Government House. The street address is the key information and is used as a tracking device in the filing system. Where several street numbers apply to the site, all the numbers must be included.

C. **SIGNIFICANCE:** Sites are permanently protected as Heritage Landmarks (ex national monument status) or listed on the Heritage Register. Details of the significance are given in the *Gazette* notice proclaiming the status. Provide the *Gazette* Notice number or the listing number.

2. HISTORICAL SIGNIFICANCE: a brief history of the occupation of the site and phases of construction, as well as an assessment of historical significance is necessary.

3. ARCHITECTURAL SIGNIFICANCE: An assessment of the condition of the buildings/structures on the site must be given. Provide an analysis of the styles and phases of construction of the building, including alterations and additions and a statement of its architectural significance. A full status quo architectural report must be provided, together with the plans.

4. ARCHAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the archaeological remains must be provided

5. PALAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the archaeological remains must be provided

D. **UNLAWFUL WORK:** Motivate and give full details of the proposed work. The motivation must detail clearly why the work was commenced without prior approval as required in the KZN Heritage Act, 2008. Detail when the work was commenced and its current status as required on the form.

SUPPORTING DOCUMENTATION: Only Amafa accredited professionals can compile the required supporting documentation. Permits issued will be

conditional on that person overseeing the work. (Proof of Professional Registration by SACAP or ASAPA to be attached)

3. PHOTOGRAPHS OF EXISTING STRUCTURE(S)/REMAINS AND SURROUNDINGS:

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